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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,037	02/04/2004	Aric David Shaffer	202-1271 (FGT 1855)	2036
28549	7590	06/29/2005	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			VO, TUYET THI	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JK

Office Action Summary

Application No.

10/708,037

Applicant(s)

SHAFFER, ARIC DAVID

Examiner

Tuyet Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 3-5, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/4/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6-10 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephan et al. (US Pub. 2005/0094410), hereinafter Stephan.

Regarding claims 1 and 10, like claim invention, Stephen discloses an apparatus and method as well for night vision system for a vehicle (Figs. 1-3) comprising:

a first light source (14) generating a first night vision pulse signal for illuminating a region proximate the vehicle (52);

a light sensor (19) receiving a second night vision pulse signal (60) from an approaching vehicle (50), wherein said second night vision pulse blinds said first night vision pulse signal (Fig. 2); and

a controller (11) shifting pulses from said first night vision pulse signal (62) in a different direction than pulses from said second night vision pulse signal (60) in an increment method until the second night vision pulse signal (60) out of phase to the first night vision pulse signal (62) until these vision pulse signals in an anti-blinding manner (Fig. 3).

Regarding claims 2 and 7, Stephan also discloses the same behave of the approaching vehicle in shifting the second night vision pulse signal out of phase with the first night vision pulse signal for achieving anti-blinding between two opposite vehicles (Abstract).

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Regarding claims 6 and 8, Stephan further teaches the second night vision pulse signal comprises an infrared signal ([0026], [0027]) and the sensor/receiver comprises a photodiode filter (23) for a wavelength of the infrared signal ([0030], [0032]), wherein the controller is programmed to pulse the first light source (14) at a duty cycle of 50% or less ([0034]).

Regarding claim 9, Stephen teaches in Figure 2 that the second light source illumination region forward of the vehicle (52) while a third light source illumination region rearward of the vehicle (52), wherein three different light source operated at different wavelengths ([0028], [0029]) and the controller compensating for blinding of the second and the third light source ([0050], [0054]).

Regarding claims 13-16, Stephen provides a light sensor for detecting second pulse train from a front facing sensor coupled to the vehicles (Figs. 1-3), wherein the second light pulse train achieved optimizing space placement for offsetting the first light pulse train (Fig. 3) and these second pulse train being displayed via a display (30).

Allowable Subject Matter

3. Claims 3-5, 11, 12 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior fails to establish an electronic compass for determining dominant zones and recessive zones and synchronizing a timing signal of a first light pulse train with a timing signal of a second light pulse train as a function said dominant zones and said recessive zones as required in claims 3, 11 and 17.

Citation of pertinent prior art

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

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Stephan et al. (US Pat. 6,774,367) discloses active night vision system for vehicles employing anti-blinding scheme.

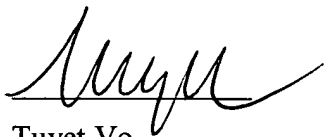
Stephan et al. (US Pat. 6,828,544) discloses active night vision system for vehicles employing anti-blinding scheme.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

A handwritten signature in black ink, appearing to read 'Tuyet Vo', written over a horizontal line.

Tuyet Vo

Primary Examiner

June 26, 2005